HONOURABLE SRI JUSTICE K.C. BHANU

W.P.No.20497 of 2005

Dated 19th September, 2005

Between:

KumuruddinAbdul Basheer,
S/o.K.Mohd. Hussain, aged 53 years,
C/o.Jameel Rice Mill & Flour Mill,
Velugodu (V & M), Kurnool District .. Petitioner

And

The Central Power Distribution Company
of Andhra Pradesh Ltd. (A.P. TRANSCO)
having office at Singareni Bhavan,
Hyderabad, rep. by its Managing Director
and two others .. Respondents

HONOURABLE SRI JUSTICE K.C. BHANU

W.P.No.20497 of 2005

ORAL ORDER:

This writ petition is filed seeking a Mandamus declaring the

provisional assessment Notice dated 3.8.2005 as illegal and arbitrary and in violation of Electricity Act, 2003.

The learned counsel for the petitioner has contended that the procedure contemplated under Section 126 of the Electricity Act, 2003 has not been violated. Therefore, he prays to allow the writ petition.

On the other hand, the learned standing counsel for the respondents has contended that the petitioner has not filed any objections to the provisional assessment, and therefore, there are no grounds to interfere with the impugned notice.

Aggrieved by the provisional assessment notice dated 3.8.2005 calling upon the petitioner to pay certain amount, this writ petition is filed. The petitioner can raise an objection before the 3rd respondent with regard to the validity of the procedure. Therefore, an appropriate decision has to be taken by the 3rd respondent in accordance with law.

Hence, without expressing any opinion on the merits of the case, I consider it appropriate to direct the 3rd respondent to take appropriate decision in accordance with law.

The writ petition is disposed of in terms of the above direction. No costs.

_____

19.09.2005

bcj

Note: Furnish copy by tomorrow

b/o

bcj